

DISTRICT ADVISORY BOARD - DISTRICT V

Minutes August 7, 2000

The District V Advisory Board meeting was held at 7:00 p.m. in the *Meadowlark Room*, Sedgwick County Education Extension Center, Ridge and 21st Street.

Members Present

David Almes
Bob Bulman
Sean Cash
David Dennis
Mo Ediger
Fran Hoggatt
Andy Johnson
Vince Miller
Texanita Randle
Bob Sorenson
Bob Martz, Chair/Council Member

Members Absent

Margarita LaFarelle Hunt

City Staff

Donna Goltry, Planning Department
Gene Rath, Public Works Engineering
Officer Robert Lacy, Police Department
Dana Brown, City Manager's Office

Guests

Listed on page 11.

Council Member Martz called the meeting to order at 7:04.

The minutes of the July 17, 2000 meeting were approved as corrected **Randle (Johnson)**.

Council Member Martz noted that the agenda would be adjusted to allow City staff to present early in order to present at another District Advisory Board Meetings scheduled for the evening. With that understanding the agenda was approved unanimously. **Bulman (Johnson)**.

Public Works/ Engineering Agenda

1. Sanitary Sewer -- East of Maize Road, North and South of K-42 Highway

Gene Rath, Public Works Engineering, presented information regarding a proposal for an Improvement District for a Sanitary Sewer project to serve an area east of Maize Road, north and south of K-42 Highway. The area is presently served by a lagoon sewage system operated by the County through a permit by the Kansas Department of Health and Environment (KDHE). KDHE has required the County to make improvements to the system. County staff requested the City to consider construction of a sanitary sewer system. The system could be developed in conjunction with development anticipated within the Mid-Continent Industrial Park area. The proposed system includes a gravity drain in the southeast corner of the area and a lift station and force main to pump sewage to an existing pump station in the Pawnee Prairie Park area.

The system is estimated to cost \$690,000 with \$345,000 assessed to the improvement district and \$345,000 paid by the Sewer Utility as a main system. The estimated assessment to individual properties is \$00.034 per square foot of property owned. The unit cost does not

include construction and hookup to the property. Nine residential properties are included in the area to be served; the County currently owns three of the properties.

Johnson asked if the existing pump station has adequate capacity for the addition; **Rath** stated that it does. **Bulman** asked for what purpose the reserve areas would be used; **Rath** stated they would serve as buffers. **Cash** asked if the City had annexed the area; a member of the public who owns property in the proposed district responded that he had paid taxes to the City and believes the area has been annexed for approximately one year. **Dennis** asked if the new property owners would be assessed; **Rath** stated the County collects a user fee that would probably be utilized. **Miller** asked if all nine property owners were given the option to sell their property; the response was no.

Council Member Martz opened the discussion to the public. **Duane Earls, 9700 Southwest Boulevard**, stated that he is a property owner in the area proposed for sanitary sewer and that he supported the proposal because he thought that a sewer system would inevitably be necessary. However, Earls believed that the square footage listed for his property was incorrect. He also stated that he would like to know the cost of the sewer line to the home. **Council Member Martz** explained that the process involved two phases: first, the construction of the main system and, second, the connection to the home. The costs are calculated during each phase. **Council Member Martz** told Earls that the connection costs would be calculated at a later date but that the square footage listed for his property would be checked for accuracy and corrected, if necessary.

John Goetz, Kansas Department of Health and Environment (KDHE), addressed the Board by explaining that the existing lagoon is permitted to the County on a temporary basis with oversight provided to the State. KDHE recently notified the County that the lagoon is not large enough due to the planned expansion of use. The State requested that the lagoon be expanded but a better option is building sanitary sewer and closing the lagoon. According to Goetz, this option provides better protection to the environment due to the potential for ground water contamination from the industrial area.

Dennis asked if the County is ultimately responsible for the lagoon. **Paul Taylor, Sedgwick County Sewer Maintenance**, stated that the County is responsible for managing the lagoon but they recognize that sanitary sewer is the better quality option for the property owners than expanding the lagoon to serve the planned use-increase. **Dennis** asked if the County should help pay for the system. **Taylor** explained that the current fee collected by the County provides financial capacity for maintenance only. The funding for building the system would have to come from the benefit district. **Hoggatt** asked if the County would maintain or close the lagoon, and if closed, what happens to the waste collected by the lagoon. **Goetz**, stated that the lagoon was tested regularly for safe levels and that the County would obtain a permit to close, based on those tests.

Bulman asked if the elevation of the site was appropriate for the system and if this is truly the best solution to allow for future development. **Council Member Martz** responded that this was one of the recommendations included in the initial phase of the Master Sewer Plan and that future development will require alternatives for sewer service.

Almes asked if any opposition to the petition had been received. **Rath** stated he didn't know about any opposition but that the petition had met the approval guidelines by area (signed by property owners who own a total of 51% or more of the property area). The individual property owners represent approximately 40% of the total owners. In addition, support is evident from the industrial site property owners due to the businesses committed to building in the area.

Hoggatt asked if new industry would be able to hook on to the new system. **Goetz** stated that the State could limit the number of connections into the sewer system. Questions were asked regarding the number of employees currently served by the lagoon system and the number expected to be served by the new system. A citizen employed with IFR stated that their business employs 530, all served by the lagoon in addition to the residents in the area. **Rath** stated that MidContinent has its own sewage system. Rath said the two businesses proposed for the area would employ approximately 600 employees who will work on a three-shift schedule.

Rath continued to explain the assessment schedule with the first assessment to be taxed in fall of 2002; options for payment will be provided. A member of the public inquired if the residents would pay an assessment for hook-up but the industrial park would not? Rath stated that this is correct but that the Water Department may charge a plat equity fee.

Bulman asked if everyone in the Industrial District would be required to connect due to the lagoon being closed and the use of septic tanks being phased out. **Rath** explained that the Industrial Park would be required to connect to sanitary sewer while residential septic systems can be retained unless a need arises to redo the septic system. In that situation, the Health Department will determine whether the septic system permit can be renewed/continued. However, Rath explained, the estimated \$00.034 per square foot of resident's property would be assessed but no hook-up to the property would be required with continued approval for use of an existing septic system.

Hoggatt moved to recommend approval of the sanitary sewer (**Almes**). **Bill Buchanan, County Manager**, asked to provide clarification on some points of discussion. He stated that the sewer system does not belong to Sedgwick County; it is the people's system as part of the Improvement District. The lagoon is a temporary situation that does not have the capacity to continue to serve the increasing numbers in the area due to the City's growth through annexation. **Council Member Martz** asked for the vote, which passed 10 to 1.

Action: Unanimous recommendation for approval of the sanitary sewer system.

Public Agenda

2. Scheduled items

A. Alternative Correctional Housing

Bill Fox, Wichita Independent Neighborhoods (WIN) addressed the Board on the recent City Council action to amend a standard to allow clients in correctional houses to be employed by the provider in a supervisory role. Fox provided a history of the development of the Alternative Correctional Housing Committee and the Standards Subcommittee through

City ordinance. Fox explained that the Standards Subcommittee had created the existing set of standards in accordance with the guidelines of the State Board of Corrections.

Fox then addressed the Board through reading a letter written by Nile Dillmore, WIN President, requesting the Board to consider opposition of a proposed amendment by the City Council (attached). At the July 18th Council meeting, an amendment was proposed to the existing standard that currently does not allow residents of an Alternative Correctional Housing facility to be employed by the facility. The amendment would change the standard to allow residents to be employed but only in a non-supervisory position.

Sorenson inquired how the term *supervisory* is defined. **Fox** stated that the concern was that whether the position is designated as supervisory or not, most employee positions have some degree of control over other residents, such as a cook or a bus driver.

Johnson asked for clarification on whether the Alternative Correctional Housing Committee is advisory or regulatory in nature. **Fox** explained that the full Committee is advisory but that the Regulations Subcommittee works with the providers through an auditor to gain compliance with the standards.

Hoggatt asked if the proposed amendment was related to employment factors such as a labor shortage or difficulty for the residents to become employed, or perhaps to the facility providing residents with on-the-job training? **Fox** responded that only a certain provider has expressed interest in employing residents in three or four positions.

Ediger stated that the issue is very delicate for the community. He suggested that if only one provider had indicated the need to hire residents that research should be conducted with the representatives of other houses that appear to be successful in utilizing only non-resident employees: What are they doing to make the present conditions work? Ediger stated a concern for the current rate of recidivism and questioned if the ACH system is successful for rehabilitation. He suggested that the original covenants be reviewed and inquired what those standards included for the siting of an ACH facility in a residential area. **Fox** responded that the existing standard states that a facility site is required to be 600 feet from a residential structure.

The Board Members agreed that additional information needed to be collected from all local ACH providers in an effort to determine the success of the facilities to re-introduce the residents into employment. Factors of success could be then identified for guiding necessary changes to the standards.

Action: Received and filed.

B. Siting of Solid Waste Transfer Station

Susan Erlenwein, Sedgwick County Environmental Services, and Bill Buchanan, County Manager, presented information regarding the County Commission's recent action to issue an industrial revenue bond for \$5,500,000 to Waste Connections, Inc. to build a solid waste transfer station on a 17-acre site at 37th Street North and West Street.

Erlenwein focused on general information about transfer stations including several examples of this waste management method in other cities. She explained that a private contractor would handle waste management services and that the County would enforce solid waste regulations. According to Erlenwein, the area surrounding transfer station sites is typically very clean because the operation is enclosed. In addition, a “spotter” identifies materials that are not allowed for disposal in a landfill as the truck is emptied.

Erlenwein explained other facets of waste management that the County is considering including a pay-as-you-throw system that charges customers according to the amount of trash the household generates. In this system, prepaid bags of varying sizes are used with prepaid tags/stickers. Carts of different sizes are also available. Erlenwein stated that local citizens have expressed a desire for improved recycling services/options. Public input indicates it should be voluntary, not mandatory; separated by type; and, convenient.

Bill Buchanan explained certain benefits of the County issuing the industrial revenue bonds to the waste contractor, Waste Connections of BFI. Because the interest rate is much lower than conventional loans, the financing costs associated with building the transfer station benefits not only the bond buyers but also the public because those financing costs are not passed on to the customer.

Sorenson asked if traffic concerns had been considered, noting the possibility for a bottleneck on Highway K-96 for trucks turning into the proposed site. **Erlenwein** responded that if several of the alternatives for solid waste management are implemented, the amount of trash taken to the facility would actually be decreased and fewer trucks would be needed. In addition, the hours that the transfer station is open could be extended.

Hoggatt asked if the County had planned for the need for improvements to the streets due to the additional use by heavy trucks. **Erlenwein** stated that the proposed plan included maintenance paving for the streets. Hoggatt then asked about environmental concerns including effect on the natural wetland area close to the site. Erlenwein explained that the run-off would be collected and taken to the sewer treatment plant.

Hoggatt asked if the transfer station was a certainty by the County and **Erlenwein** responded that the zoning and conditional use permit had been granted. **Randle** asked if the transfer station had been selected instead of a landfill; **Erlenwein** said yes.

Council Member Martz inquired about the number of trucks anticipated per day; **Erlenwein** stated 65 per day. **Tom Winters, Sedgwick County Commissioner for the 3rd District**, added that a reduction of approximately 1% of the current number of trucks had been estimated. **Council Member Martz** asked if the trash would be transferred to Enid, Oklahoma; **Erlenwein** affirmed Enid as the landfill site, stating that Waste Connections established the landfill.

Almes asked if tree and shrub brush could be disposed at the transfer station; **Erlenwein** said these items would be accepted but grass clippings would not. **Dennis** asked if recycling would be a viable option, noting that he had lived in Washington, D.C. when recycling was attempted but the market never really supported it. In addition, Dennis noted that he had observed the problems of trash being dumped illegally with Pay-As-You-Throw. **Erlenwein**

stated that it was understood that the incidence of illegal dumping would spike at first in response to the change but studies showed that it eventually leveled off.

Hoggatt asked how much cost increase could be expected for residents for their monthly trash service. **Erlenwein** responded that the transfer station would add an increase of \$1.00-\$2.00 per month, explaining that the answer was not truly known because it was dependent upon what the trash collection providers determined—that collection costs are 80% and disposal 20% of the cost to the customer. **Johnson** asked if the County regulated Waste Connections as a solid waste contractor; **Erlenwein** clarified that the County licenses the company. **Bulman** asked if the purpose of the County issuing the IRB was indeed to save costs for Waste Connections in an effort to pass the savings on to the users. **Buchanan** confirmed that this is the intent.

Hoggatt asked why the County chose a site so far north instead of south, adding ten miles to the cost of transporting to Oklahoma if the County was actually trying to save costs for the users. **Buchanan** stated that this was a business decision by Waste Connections and that other waste management companies are looking at other sites in the County.

Miller stated that through researching recycling as part of his master's thesis project, he found that it was not a very successful method of waste management. His research showed that only those recycled materials supported by the free market help reduce disposal and that most end up in the landfill anyway. **Joe Pajor, Environmental Resources/ City Public Works Department**, stated that recycling was a policy issue, not a technical one. **Ediger** asked if utilizing a transfer station for waste management wasn't a statement about a "way of life." **Buchanan** replied that the decision had been made and the permit issued to utilize a transfer station for the next five-seven years. However, a decision to change to a local landfill could occur in three-five years.

Jan Bryant, 2748 North shore, asked about uncovered trucks that haul trash and allow the trash to blow out, littering the roads and properties. **Buchanan** stated that a City ordinance currently exists requiring the trucks to be covered. He noted that that this is a policing issue and will probably continue to be a problem to some degree.

Bulman stated that the siting of a transfer station was certainly a "not in my back yard" (NIMBY) issue. He would prefer that as a community, we take care of our own trash instead of hauling it to another community area. Regardless of the alternative, he did not want the cost of the residential service to increase. **Buchanan** pointed out that in consideration of maintaining costs for residents, Waste Connections would not be paying principal and interest with an IRB as required with a conventional loan. He also added that the County hasn't pledged any financial resources so if the deal with Waste Connections falls through, there won't be any local funding lost.

Dennis re-emphasized his observations in the Washington, D.C. area where trucks hauling trash to and from transfer stations were toppled over and fires ignited on the trucks. He stated that our local community should be looking for long-term solutions. **Erlenwein** stated that the Wichita/Sedgwick County Solid Waste Committee has been considering the best choices for the long term. **Vince Miller** added that an economic consideration must be applied to utilizing land in Sedgwick County for a landfill versus hauling the trash to Oklahoma—that

the land in Wichita/Sedgwick County has a higher value for economic development than the land around Enid, Oklahoma.

Action: Received and filed.

3. Off-agenda items

No items presented.

Planning Agenda

4. Request for zone change – SW corner of 37th Street North and Ridge Road

Donna Goltry, Senior Planner, MAPD, reviewed cases CUP2000-0014, an amendment to DP-242 to allow “LC” (Limited Commercial) on Parcels Two & Eight, and ZON2000-0017 and ZON2000-0018, zone changes from “NR” (Neighborhood Retail) to “LC.” Due to issues discussed at the MAPC Hearing, Council Member Martz had referred the case to the DAB for consideration.

Goltry reviewed the background explaining that Ridge Center CUP was approved in May 1999 with MAPC recommending and the Board of County Commissioners approving NR restricted to General Office use for four of the nine parcels including parcels two and eight. The other parcels, situated closest to intersection of Ridge and 37th Street North, were approved for LC. The NR parcels were restricted to GO uses and served as a buffer for the Big Slough, the lake, and the projected residential uses to the west from the commercial uses allowed.

The applicant requested all uses permitted in LC for Parcels Two & Eight except residential, public use except daycare, pawnshops, secondhand stores, taverns, nightclubs, drinking establishments or adult entertainment. At filing, the applicant proposed no change to signage, setbacks, access control, landscaping, or architectural standards but during the MAPC meeting, the applicant requested signage for Parcels Two & Eight be amended as permitted in LC and include limits of freestanding signs to 20 feet in height and monument style (General Provision #5).

At the June 15, 2000 MAPC meeting, the vote of 6-4 approved the requests. Opposition was expressed by several MAPC members to rezoning the parcels because it reversed the CUP conditions established a year before and reduced the buffering by office and neighborhood retail uses between residential uses and the flooding issues along the Big Slough that need to be resolved prior to development. Goltry explained that construction is currently proposed for an animal clinic on Parcel Two and for a restaurant on Parcel Eight.

DAB Members expressed concerns regarding the following issues: 1) the request for an amendment to the CUP within a year after the original CUP was approved; 2) the capacity of 37th Street to serve traffic needs for anticipated development due to the street’s limited width; 3) potential flooding issues for existing residential developments due to storm water drainage into the Big Slough; and, 4) reduction of the buffering for the residential area from commercial area as originally established by the original CUP conditions.

In response to questions from the Board, Goltry noted that 37th Street will be widened and will never need the same capacity as Ridge Road. She also explained that every plat requires a drainage plan. Once a property is zoned, it then becomes platted with a drainage plan.

The agents, **Tim Austin and Kim Edgington, Austin-Miller Engineering**, represented the applicant of Box Development. Mr. Austin explained that the drainage plan for the plat was considered in meetings with City and County officials and staff to address potential drainage issues in the area. He stated that the plan is designed with topography of three-foot above the 100-year flood level, an increase to the standards typically utilized for floodplain areas.

Edgington stated that the proposed zoning included access controls and adequate buffering, including a lake between the multi-family zoned area and the commercially zoned area. On Parcel Two, she noted that the 14,000 square foot building proposed for the animal clinic would most likely include a second tenant due to its size. A speculative strip center would be built on Parcel Eight, encouraging a variety of businesses. A handbook is being written by the applicant to address covenants, building materials, and stringent guidelines for signs, lighting, buffering, and landscaping for future tenants. Edgington stated that the developer would probably not support the LC zoning with restrictions as recommended by MAPD staff because they would not allow him to sell the properties as currently under contract.

Jan Bryant, 2748 North Shore Court, stated that she still had concerns about drainage. Currently the Big Slough is used for swimming, boating, and other water activities. She asked why the Big Ditch isn't considered for drainage instead of the Big Slough. Bryant explained that she had talked with City Storm Sewer staff and that Bob Jennings had looked at the drainage concerns with her. Jennings had explained that each connection to the Big Ditch costs \$50,000. Bryant also suggested that the commercial developer be made responsible for issues that are created from lack of adequate drainage planning.

Hoggatt made a motion to support the recommendation of the MAPC with the LC zoning (Miller). **Bulman** stated that he was opposed but that he would support the LC zoning with restrictions. **Johnson** asked if restrictions would prevent the developer from selling the property as under contract. **Edgington** stated yes.

Council Member Martz called for the vote and it was passed with two members opposing the recommendation, Bulman and Dennis.

Action: Board voted 8-2 to support the MAPC approval recommendation.

5. Request for amendment – North of 21st Street North on east side of Tyler Road

Donna Goltry reviewed CUP2000-00028 as an amendment to DP-170 (Reflection Ridge) to create a new parcel from the south portion of Parcel One that allows office uses; associated with ZON2000-00034 to change zoning from SF-6 (single family) to GO (general office). The background information was presented, noting that the proposed GO rezoning would apply to the southern portion of the parcel while the parcel area that extends north would retain the existing residential designation. The size of the proposed office area would probably generate approximately the same traffic volume as residential use and would meet the criteria of the commercial location guidelines.

Rob Hartman, Professional Engineering Consultants, represented the applicant, Marvin Schellenberg, to present an architectural concept of the proposed development.

A current resident of Reflection Ridge expressed concerns for information that conflicted with her understanding when she purchased the property that no commercial property would be developed next to her property. **Hartman** answered questions for the Board and the public regarding the following: 1) the existing residential condition of 35 feet maximum height with a limit of one story will also apply to the proposed office buildings; 2) the proposed office area would likely include a pond to the east in a site congruent with the seventh hole of the Reflection Ridge Golf Course; 3) a berm and landscaping would be used as buffer between the office and the residential areas; 4) the parcel area directly to the north of the proposed offices would retain the present zoning for single family, patio homes, duplexes, and apartments or assisted living; and 5) the density of the total development would not exceed the current 4.5 dwellings units per acre.

DAB Members expressed support for the recommendation due to the proposed office area conforming to the existing conditions including structure density and height; the berm and landscaping buffer serving as separation for office and residential areas; and, no significant increase expected for traffic volume.

Bulman moved that the Board support the recommendation with the zoning changes (**Almes**).

Recommended Action: Board voted 10-0 to support recommendation for approval.

Traffic Agenda

No items were submitted.

Unfinished Business

No items were continued for consideration.

New Business

6. Fireworks Issues

Ed Bricknell, Deputy Chief Fire Marshall for the City, explained that the fireworks information was being presented to the Board at City Council's request. The Board is being asked to consider whether the Council should review the issue and current ordinance as a response to the high number of firework complaints received this year. Chief Bricknell provided a history of how the City had developed its local ordinance regarding selling and shooting a certain class of fireworks for a ten-day period surrounding the Fourth of July Holiday. Background information had been previously provided to the Board including a *1999 Summary Report* of complaints and incidents involving fireworks.

Chief Bricknell identified the hazards of the larger *type-three* fireworks including property fires and endangerment to people, especially children and young adults. He explained that the *type-three fireworks* are illegal to sell and shoot within the City's limits without a license. This type of firework is recognized as display arterial and is not meant for individual use. Chief Bricknell asked the Board to recommend possible alternatives for more effective policing efforts, including making the current City ordinance either more or less restrictive.

Johnson asked if this year's complaints would compare to the 1999 Summary information. **Bricknell** stated that there appeared to be more commercial types this year. He noted a loophole in the ordinance that allows mortars to be sold but illegal to possess. **Bulman** asked if Bricknell thought the City needed to change the ordinance. **Bricknell** stated that all types of fireworks are more readily available due to allowance for purchase in the County. **Ediger** stated that there are worse things than this but that he would suggested a media presentation from mid-June through mid-July, appealing residents to use good sense and safety with fireworks. **Bulman** stated that he thought it was a bad ordinance with too much restriction. **Hoggatt** suggested it be amended to allow neighborhoods to become licensed for displays with Fire Department supervision and that fines for non-compliance be utilized to support the public campaign suggested by Ediger.

Action: Board Members asked for consideration of the suggestions by the Fire Department and agreed to query other residents for suggestions.

Board Agenda

7. Major Investment Study (MIS) Update Meeting

Council Member Martz reminded Board Members that Public Works would be hosting a public information meeting on Wednesday, August 23 at 7:00 p.m. at the Sedgwick County Zoo Auditorium for presentation of the MIS Update by the consultants. Alternatives for an additional traffic way over the floodway will be discussed. **Council Member Martz** urged Board Members to remind other District V residents about the meeting and encourage them to attend to obtain information and provide input for their preference.

Action: Provide comments/take appropriate action.

8. Legislative Request

Staff handed out forms for DAB Members and citizens to list and submit suggested items to be included in the City of Wichita's Legislative Program, as requested by the City's Governmental Relations Director.

Action: Board Members will submit suggested items of issue.

Other

9. Next DAB Meeting

Council Member Martz stated that the next regularly scheduled meeting of September 4 is a holiday, Labor Day. MAPD has requested that the Board on September 11 instead of the

alternate date of September 18 in order to hear two cases prior to the MAPC hearing scheduled for September 14.

Action: The Board agreed to meet on September 11, 2000.

10. Comments on Cheney Watershed Tour

Due to lack of time, the Board Members who participated will share comments at the next meeting.

Recommendation: No action taken.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Dana Brown
Neighborhood Assistant, District V

Guests

Tim Austin
Betty J. Evans
Bill Fox
Michael J. Potuha
Angela Pottebaum
Don & Mable Bucy
Bill Babbitt
Dennis Emmil

11002 W. 11th Street Court
9413 Bent Tree Circle
701 Litchfield
6503 E. Murdock
6510 E. Ent, #704
5727 W. 25th St. N.
Reflection Ridge HOA
Reflection Ridge HOA